

### **REMARKS/ARGUMENTS**

Reconsideration is respectfully requested of the Office Action of November 29, 2005.

A one month extension of time, together with the associated fee, is filed herewith.

Claims 1-17 are pending in this application and have been rejected in the Office Action.

Claim 1 has been amended and new Claims 8-17 have been added. No new matter is considered to be presented by these amendments and the new claims in view of the support contained in the original filed application.

Amendment of Claim 1 is a minor correction.

New Claims 8, 11, 12 and 13 are based on Claim 1.

New Claim 9 is based on Claim 4.

New Claim 10 is based on Claim 5.

New Claim 14 is based on Claim 6.

New Claim 15 is based on Claim 2.

New Claim 16 is based on Claim 3.

Briefly summarized, the present invention relates to a vehicle drive assist system for establishing a follow-up control that targets a first preceding vehicle, or a preceding vehicle which travels in front of the owner's vehicle, while a second preceding vehicle, or a vehicle traveling in front of the preceding vehicle, is taken into consideration based on frontal information detected by a stereoscopic camera, a millimeter wave radar or the like (see page 1, lines 6-11 of the application).

As defined in Claim 1, the invention comprises means for inhibiting an acceleration of the driver's own vehicle when the first preceding vehicle undertakes to pass the second preceding vehicle. New independent Claim 8 also expresses the invention in terms of an inhibiting unit of the same kind.

In the case of a general drive assist system for following a preceding vehicle, for example, there is a problem that, when the preceding vehicle which is established as a follow-up object is undertaking to pass a second vehicle that is located in front of the preceding vehicle, the tendency is for this driver of his own vehicle to accelerate in order to catch up with the vehicle in front of him; i.e. the preceding vehicle. As a result, the driver's own vehicle tends to come too close to the vehicle that is traveling in front of the preceding vehicle. This is a particular problem when the preceding vehicle is a motorcycle. See page 1, last paragraph to page 2, lines 1-8 of this application.

According to the invention expressed in Claim 1, in the case where the first preceding vehicle attempts to overtake the second preceding vehicle when the driver's own vehicle is in condition of following the first preceding vehicle according to the follow-up traveling control unit, the driver's own vehicle is inhibited from accelerating. As a result, the driver's own vehicle is prevented from following the accelerating first preceding vehicle and coming too close to the second preceding vehicle (see application, page 19, line 16; page 20, line 1).

As expressed in Claims 4 and 5, the invention features a system for judging an overtaking intention on the part of the first preceding vehicle. In Claim 4, information about an intervehicle distance between the first and second preceding vehicles is utilized for making this judgment. In

Claim 5, information about the sideways movement of the first preceding vehicle and the detection of the second preceding vehicle are utilized for making this judgment.

Claim Rejections Under 35 U.S.C. § 103

The rejection of Claims 1-7 under 35 U.S.C. §103(a) as being unpatentable over *Iihoshi, et al.*, (US 6,032,097) in view of *Hashimoto* (US 6,397,149 B1) is traversed and reconsideration is respectfully requested.

The rejection of Claims 3 and 7 under 35 U.S.C. § 103(a) as being unpatentable over *Iihoshi* in view of *Hashimoto*, and *Kushlda, et al.*, (US 6,856,896 B2) is also traversed and reconsideration is respectfully requested.

Applicant respectfully submits that cited documents do not create *prima facie* obviousness of the claimed invention. In particular, the references taken together fail to disclose or suggest the features of the present invention, especially, means for inhibiting the acceleration of the driver's own vehicle when the first preceding vehicle undertakes to pass the second preceding vehicle.

In the Office Action, the principal reference, *Iihoshi* was said to disclose, at col. 10, lines 35-49, the means for inhibiting an acceleration of the owner's vehicle when the first preceding vehicle undertakes to pass the second preceding vehicle. However, the quoted section of *Iihoshi* discloses a vehicle speed control module 4 that controls braking forces according to the output of the laser radar 10, for example, upon detection of an obstacle other than a motor vehicle in front of the driver. As for this braking control, *Iihoshi* has no further information.

Accordingly, taking the entire description of *Iihoshi* and supposing the obstacle is a second preceding vehicle, the vehicle speed control module controls braking force of the driver's own vehicle anyway when the driver's own vehicle detects the second preceding vehicle. The *Iihoshi* control

system does not disclose the feature of the present invention, or means for inhibiting the acceleration when the first preceding vehicle undertakes to overtake the second preceding vehicle.

As for rest of the specification, *Iihoshi* discloses the vehicle platoon control system to control a platoon of motor vehicles in a stable and smooth way (col. 1, lines 54-61). The leading vehicle transmits motion information to the motor vehicles which follow the lead vehicle. To prevent intervehicular distance oscillations, i.e. locally variable, each of the follow on motor vehicles controls itself to run in platoon based on the information transmitted by a leading motor vehicle (see col. 1, line 62 – col. 2, line 16).

*Iihoshi* discloses a control algorithm in view of not only the intervehicular distance between a target motor vehicle and a following motor vehicle, but also the intervehicular distance between a preceding vehicle running immediately in front of the following motor vehicle and the following motor vehicle (see col. 12, line 66 – col. 13).

*Iihoshi* also discloses that even when a motor vehicle drops out of the platoon, the vehicle platoon control system does not stop controlling the other motor vehicles to run in the platoon, and when the motor vehicle that has dropped out returns to the platoon, the vehicle platoon control system can continuously control the motor vehicles to run in the platoon (see col. 13, lines 50-63).

Considering the entire disclosure of *Iihoshi*, his system watches and operates the intervehicular distance between a target vehicle and “the own vehicle” (the following vehicle), and supplementarily the intervehicular distance between the “own vehicle” and a preceding vehicle just ahead of the “own vehicle”.

Hence, if it is presumed that the target vehicle is the second preceding vehicle, *Iihoshi* does not disclose or suggest judging if the first preceding vehicle is preparing to undertake to pass the second preceding vehicle, or watching the relation between the first preceding vehicle and the second preceding.

The secondary references, *Hashimoto* and *Kushida*, do not provide any reason, suggestion or basis for modifying the system of *Iihoshi* to arrive at the invention claimed herein. Hence, applicant believes that the references fail to create *prima facie* obviousness of the claimed subject matter.

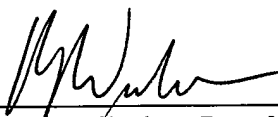
Accordingly, applicant respectfully submits that independent Claims 1 and 8, and their dependent claims, are patentably distinguishable over the cited documents.

Favorable action at the Examiner's earliest convenience is respectfully requested.

Respectfully submitted,

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